

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number 07-20419
Honorable David M. Lawson

DARYL ENGLEHARDT,

Defendant.

**ORDER DENYING DEFENDANT'S MOTIONS FOR ORDER COMPELLING
PRODUCTION OF AGENT'S ROUGH NOTES**

On October 22, 2007, the defendant filed two motions requesting an order compelling the production of agent's rough notes. The first motion omits the signature of the defendant's attorney [dkt #14]. The second motion seeks identical relief to the first motion, and was apparently filed to correct the signature omission [dkt #15].

As the defendant apparently recognized, the original motion does not comply with ECF Pol. & Pro. R. 9(b), which requires that any "paper filed electronically must include a signature block containing the name of the filing user represented by 's/', '/s/' or a scanned signature." Therefore, this motion shall be stricken.

In this District, motions filed in criminal cases must also comply with E.D. Mich. LCrR 12.1(a), which incorporates the requirements of E.D. Mich. LR 7.1(a). E.D. Mich. LR 7.1(a) requires a movant to seek concurrence in the relief requested before filing a motion with this Court. If concurrence is obtained, the parties then may present a stipulated order to the Court. If concurrence is not obtained, Local Rule 7.1(a)(2) requires that the moving party state in the motion that "there was a conference between the attorneys . . . in which the movant explained the nature of

the motion and its legal basis and requested but did not obtain concurrence in the relief sought [] or . . . despite reasonable efforts specified in the motion, the movant was unable to conduct a conference.” E.D. Mich. LR 7.1(a)(2).

The defendant does not state in his motions that concurrence was sought in the relief requested from the plaintiff before filing the motions. “It is not up to the Court to expend its energies when the parties have not sufficiently expended their own.” *Hasbro, Inc. v. Serafino*, 168 F.R.D. 99, 101 (D. Mass. 1996). The defendant has filed his motions in violation of the applicable rules.

Accordingly, it is **ORDERED** that the defendant’s motion for order compelling production of agent’s rough notes [dkt #14] is **STRICKEN**.

It is further **ORDERED** that the defendant’s amended motion for order compelling production of agent’s rough notes [dkt #15] is **DENIED** without prejudice.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: October 25, 2007

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 25, 2007.

s/Felicia M. Moses
FELICIA M. MOSES